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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Laura Bulluck, wife of Darryl Wayne  
Bulluck, deceased, on behalf of herself  
and on behalf of statutory beneficiaries,  
Gloria Bulluck, mother of Darryl Wayne  
Bulluck, deceased, Natalie Bulluck,  
natural daughter of Darryl Wayne  
Bulluck, deceased, Desiree Bulluck,  
natural daughter of Darryl Wayne  
Bulluck, deceased, and Lashauna  
Bulluck, natural daughter of Darryl  
Wayne Bulluck, deceased,

Plaintiff,

vs.

The United States of America,

Defendant.

NO.

**COMPLAINT**

Plaintiff, through her undersigned counsel, alleges as follows:

1. Plaintiff is a resident of Maricopa County, Arizona and all of the events complained of herein occurred in Maricopa County in the State of Arizona.

1           2.     Plaintiff is the wife of Darryl Wayne Bulluck, deceased, and brings  
2 this action on behalf of herself and the statutory beneficiaries Gloria Bulluck,  
3 mother of Darryl Wayne Bulluck, deceased, and Natalie Bulluck, Desiree Bulluck,  
4 and LaShauna Bulluck, natural daughters of Darryl Wayne Bulluck, deceased.  
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6           3.     The U.S. Department of Veterans Affairs is an agency of The  
7 United States of America.  
8

9           4.     The U.S. Department of Veterans Affairs operates a hospital  
10 located in Phoenix, Arizona (hereinafter “the Veteran’s Administration hospital”).  
11

12           5.     This action arises under and this Court has jurisdiction over the  
13 Plaintiff’s claim pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)  
14 and 2671, et seq.  
15

16           6.     Plaintiff and the statutory beneficiaries have properly filed  
17 administrative claims with the United States Department of the Interior. A denial  
18 of the claims, dated December 22, 2015, was received via certified mail.  
19

20           7.     In December 2013 Darryl Wayne Bulluck was admitted to the  
21 Veteran’s Administration hospital in Phoenix, Arizona to be treated for a sickle  
22 cell crisis.  
23

24           8.     Upon information and belief, Alejandro Pena, Jr., M.D. was an  
25 employee and medical resident practicing at the Veteran’s Administration  
26 hospital in early December 2013 and provided care and treatment for Darryl  
27 Wayne Bulluck, deceased.  
28

1           9.     Upon information and belief, Paul Duntley, M.D. was a physician  
2 and employee practicing at the Veteran's Administration hospital in early  
3 December 2013 and was the attending physician assigned to oversee the care  
4 provided by Alejandro Pena, Jr., M.D. to Darryl Wayne Bulluck, deceased.  
5

6           10.    The care provided by Defendant to Darryl Wayne Bulluck,  
7 deceased fell below the requisite standard of care and was negligent.  
8

9           11.    The care provided by Defendant including, but not limited to, the  
10 prescribing of certain medications and medication amounts, to Darryl Wayne  
11 Bulluck, deceased, fell below the requisite standard of care and was negligent.  
12

13           12.    The care provided by Defendant including, but not limited to,  
14 creating or altering Darryl Wayne Bulluck's, deceased, pain management  
15 therapy regimen fell below the requisite standard of care and was negligent.  
16

17           13.    The care provided by Defendant including, but not limited to, failing  
18 to obtain an adequate pain management consultation fell below the requisite  
19 standard of care and was negligent.

20           14.    As a result of Defendant's negligence Darryl Wayne Bulluck,  
21 deceased, died.  
22

23           15.    Defendant owed Plaintiff a duty to use reasonable care when  
24 providing care and treatment to Darryl Wayne Bulluck, deceased.  
25

26           16.    Defendant negligently breached its duty to use reasonable care  
27 when providing care and treatment to Darryl Wayne Bulluck, deceased.  
28

1           17. Defendant's negligence proximately caused the death of Darryl  
2 Wayne Bulluck.

3           18. The Plaintiff and the statutory beneficiaries have been irreparably  
4 harmed by the Defendant's conduct causing the death of Darryl Wayne Bulluck.  
5

6           19. The Plaintiff and the statutory beneficiaries are entitled to damages in  
7 amounts to be proven at trial for all of the harms and losses caused by the  
8 Defendant's negligent conduct.  
9

10           WHEREFORE, Plaintiff prays for judgment against the Defendants as  
11 follows:  
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13           A. For loss of affection, love, companionship, support, advice,  
14 counsel, and all other attributes of a loving family relationship as a result of the  
15 death of Darryl Wayne Bulluck, all in amounts to be proven at trial;

16           B. For costs incurred and accruing; and  
17

18           C. For such other and further relief as this Court may deem just and  
19 proper under the circumstances.

20           **DATED** this 17<sup>th</sup> day of February, 2016.

21                                   TUCKER & MILLER, L.L.L.P.  
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23  
24                                   By: s/ Kevin J. Tucker  
25                                   Kenneth L. Tucker  
26                                   Kevin J. Tucker  
27                                   Attorneys for Plaintiff  
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